

# Welcome to this Public Meeting



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

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ENVIRONMENTAL PROTECTION DIVISION

- Please note that everyone is entering the meeting with their microphones muted.
- Please **keep your microphones muted** except when you are speaking. This will help us minimize background noise and feedback.
- Please take a moment to **open the Participants list and rename yourself** to show your full name and affiliation, so we have that for our records. You should see a “Rename” option next to your name (or click on “More” to find this option).
- **This meeting is being recorded** to document any questions or comments received during our time together.
- To make a comment or ask a question, please either:
  - Indicate you would like to make a comment using the Chat feature.
  - In the “Reactions” menu, select the “raise hand” option. The host will call on you to ask your question or make your comment.



# 2019 Triennial Review

## Designated Use Change

### Public Meeting

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June 17, 2021

# Meeting Agenda

- Review of Clean Water Act and EPA's Water Quality Standards Handbook
- Review of primary and secondary contact recreation and GA's designated uses
- Summary of recreation nominations and EPD's evaluation process
- Examples, pictures, and explanations of segments that have been eliminated from consideration and those that remain under consideration
- Summary of information received from nominators and nomination package status
- Next steps
- Questions, comments, discussion



# Clean Water Act

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- Goal of the CWA is that all waters be “fishable/swimmable”
- Georgia’s designated uses as of 1986:
  - a) Drinking water supplies
  - b) Recreation
  - c) Fishing, propagation of fish, shellfish, game, and other aquatic life (“Fishing”)
  - d) Wild river
  - e) Scenic river
  - f) Coastal fishing
- All of Georgia’s waters meet the fishable/swimmable goal

# EPA Water Quality Standards Handbook

## • Section 2.1.3: Recreation

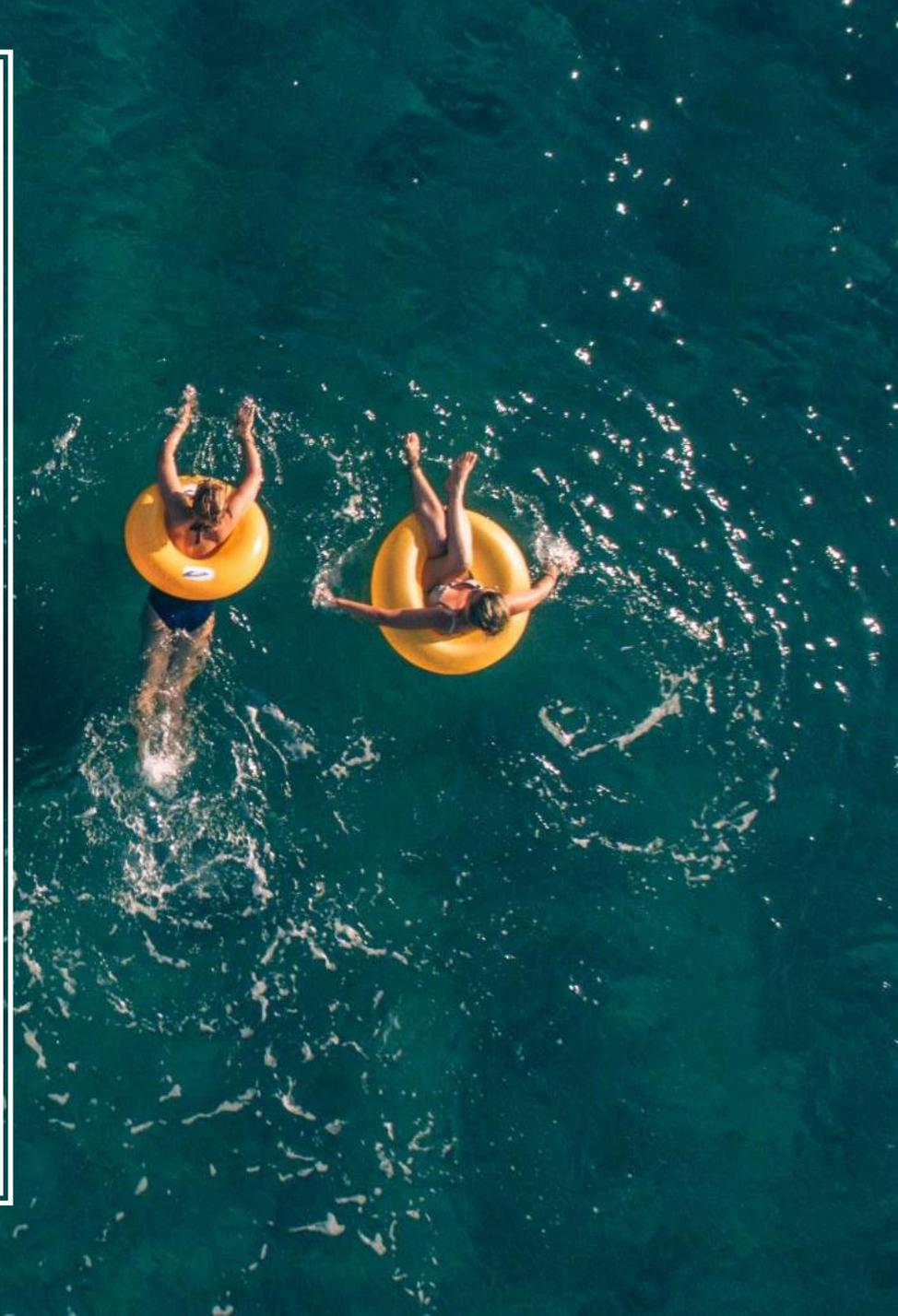
- EPA recommends three different options for recreational use categories.
  - Option 1: Designate primary contact recreational uses for all waters of the State.
  - Option 2: Designate either primary or secondary contact recreational uses, with bacteriological criteria sufficient to support primary contact recreation.
  - Option 3: Designate waters as in Option 2 or conduct a use attainability analysis to demonstrate that fishable/swimmable uses are not attainable for all waters.
- Georgia utilizes Option 2:
  - “Designate either primary contact recreational uses or secondary contact recreational uses for all waters of the State and, where secondary contact recreation is designated, set bacteriological criteria sufficient to support primary contact recreation. EPA believes that a secondary contact recreational use (with criteria sufficient to support primary contact recreation) is consistent with the CWA section 101(a)(2) goal.”
  - Georgia’s Designated Uses “Fishing,” “Coastal Fishing,” and “Drinking Water Supplies” all include secondary contact recreational uses, which have bacteriological criteria sufficient to support primary contact recreation in the summer.



# EPA Water Quality Standards Handbook

- Section 2.6: Seasonal Uses

- 40 CFR 131.10(f)
- “.... EPA recognizes seasonal uses in the Water Quality Standards Regulation. States may specify the seasonal uses and criteria protective of that use as well as the time frame for the ‘. . . season, so long as the criteria do not prevent the attainment of any more restrictive uses attainable in other seasons.’”



# Primary and Secondary Recreation

- Definitions being amended for clarification as part of 2019 Triennial Review:
  - "Primary Contact Recreation" is full immersion contact with water where there is significant risk of ingestion that includes, but is not limited to, swimming, diving, white water boating (class 3+), tubing, water skiing, and surfing.
  - "Secondary contact recreation" is incidental contact with the water not involving a significant risk of water ingestion such as canoeing, fishing, kayaking, motor boating, rowing, splashing, wading, and occasional swimming.



# Bacteria Criteria for Recreation Designated Use:

- Primary contact recreation bacteria criteria year round
  - E. coli: not to exceed 30-day geometric mean of 126 counts per 100 mL. No more than 10% excursion frequency of 410 STV
  - Enterococci (coastal and estuarine waters): not to exceed 35 counts per 100 mL. No more than 10% excursion frequency of 130 STV.





# Bacteria Criteria for Designated Uses:

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- Recreation designated use currently has E. coli and enterococci criteria.
- EPD is proposing E. coli and enterococci criteria for Fishing and Drinking Water uses as part of the 2019 Triennial Review.
- These proposed criteria were calculated based on a study in EPA's [Exposure Factors Handbook, Chapter 3](#). Based on the water ingestion rates from this study, bacteria criteria for winter time secondary contact recreation are 2.1 times higher than bacteria criteria for primary contact recreation.
- The following slide lists the **proposed** bacteria criteria for Fishing and Drinking Water designated uses that would replace the seasonal fecal coliform criteria currently in the rules.



# Bacteria Criteria for Fishing and Drinking Water Designated Uses:

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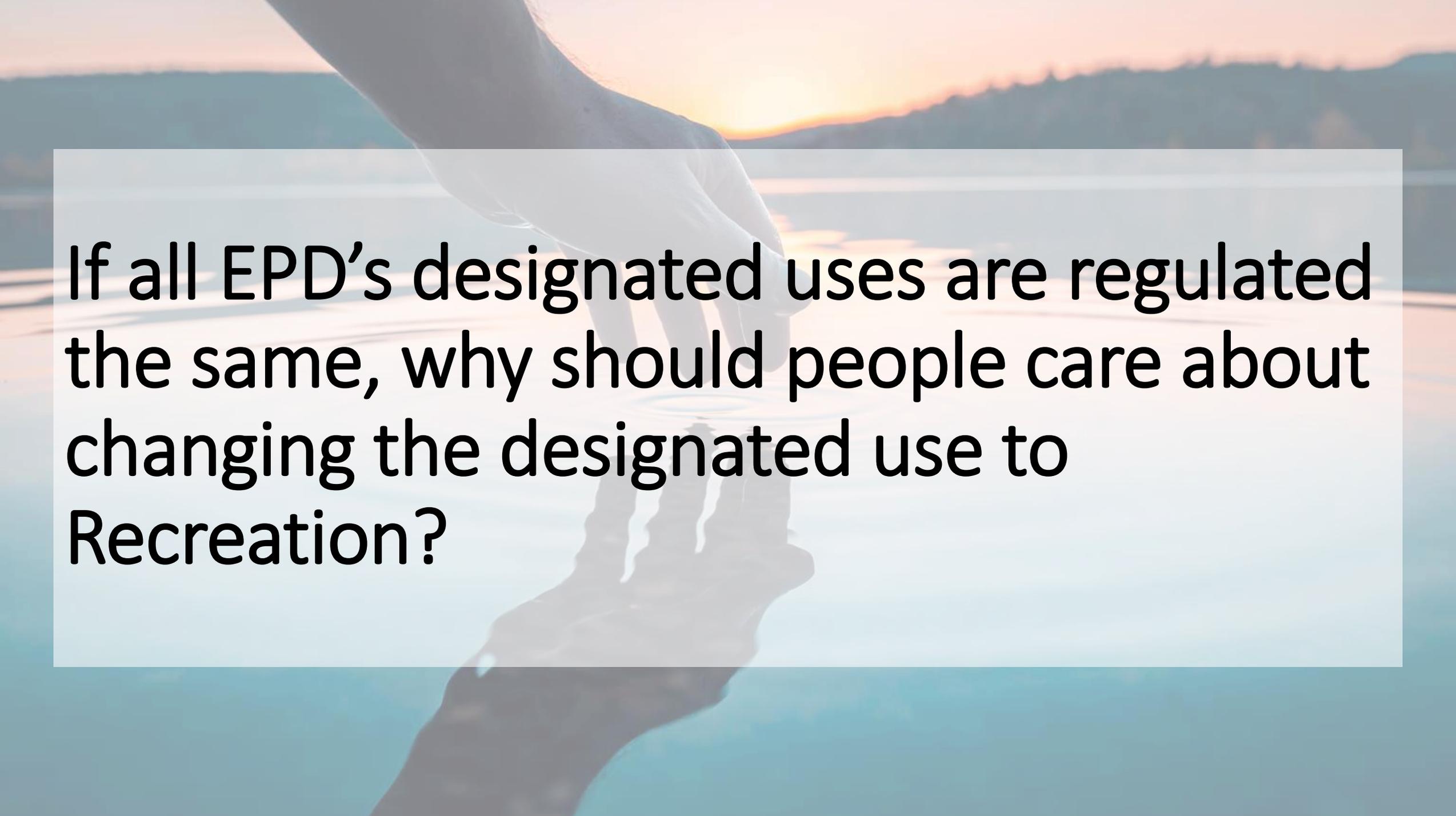
- Primary contact recreation bacteria criteria in May-October
  - E. coli: not to exceed 30-day geometric mean of 126 counts per 100 mL. No more than 10% excursion frequency of 410 STV
  - Enterococci (coastal and estuarine waters): not to exceed 35 counts per 100 mL. No more than 10% excursion frequency of 130 STV.
- Secondary contact recreation bacteria criteria in November-April:
  - E. coli: not to exceed 30-day geometric mean of 265 counts per 100 mL. No more than 10% excursion frequency of 861 STV.
  - Enterococci (coastal and estuarine waters): not to exceed 74 counts per 100 mL. No more than 10% excursion frequency of 273 STV.

# Antidegradation Policy

- All waters in Georgia are Tier 2 high quality waters meeting the goal of the CWA.
- All Tier 2 waters require an antidegradation analysis be performed before a discharge of pollutants can be allowed.
- The discharge of any pollutants will have to meet the State's water quality criteria.
- 391-3-6-.03 (2)(b)(ii)
  - When... “lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located ... the division shall assure water quality adequate to protect existing uses fully.”
- 391-3-6-.03 (2)(b)(ii)2.
  - “The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity.”

# Permit Limits and Regulations

- EPD regulates existing, new, and modified NPDES and LAS municipal and industrial permittees the same regardless of designated use.
  - (Except designated uses of “Wild River” and “Scenic River,” which are rare and generally limited to wilderness areas with no human development)
- Changing a designated use from Fishing or Drinking Water to include Recreation will not change the regulation of NPDES and LAS municipal and industrial permittees.
  - The premise that EPD will regulate existing and/or new pollution sources more stringently or that pollution levels in the water body will decrease via some other process is not appropriate justification for a change in the designated use.

A hand is shown dropping a coin into a body of water. The coin has just hit the surface, creating a small splash. The background is a sunset over a body of water, with the sun low on the horizon and its light reflecting on the water's surface. The sky is a mix of orange, yellow, and blue. The overall mood is serene and contemplative.

**If all EPD's designated uses are regulated the same, why should people care about changing the designated use to Recreation?**



# Reasons to Designate a Waterbody as Recreation

- A. To recognize the current use is primary recreation.
- B. There is broad community support for continued use of the water body for primary recreation. This also means that there is no significant stakeholder opposition to the change in designated use to recreation.
- C. The community has made or plans to make financial investments to promote the use of the water body for primary recreation and an official change to the designated use will affirm those investments and affirm their promotion of the water body.

# Public Input

- As part of the Triennial Review process, EPD solicits and considers public comment regarding potential changes to water quality standards.
- This includes the potential changes in designated uses to Recreation.
- EPD staff continues to provide guidance to the public as to how they can provide meaningful input to the process.
- Nonetheless, the final decision to make changes to the State's water quality standards will be made by the EPD Director and the DNR Board.
- This entire process is a work in progress. Based on this experience, EPD anticipates a smoother process in the next triennial review if we receive similar nominations.

# 2019 Triennial Review Recreation Nominations Summary

- EPD received nominations for 2662 river miles for the 2019 Triennial Review
- EPD must thoroughly evaluate each location to ensure it meets the criteria above before proposing an official change to the designated use
- EPD focused its limited resources on the locations that are most likely to meet the criteria above
- As such, EPD screened out locations based on close proximity to NPDES outfalls or sources of nonpoint source pollution on the basis that they pose concerns for human health and are less likely than other areas to meet the above criteria.
- If a particular water body is not selected under this Triennial Review for a change in designated use to Recreation, it may be selected in the future.

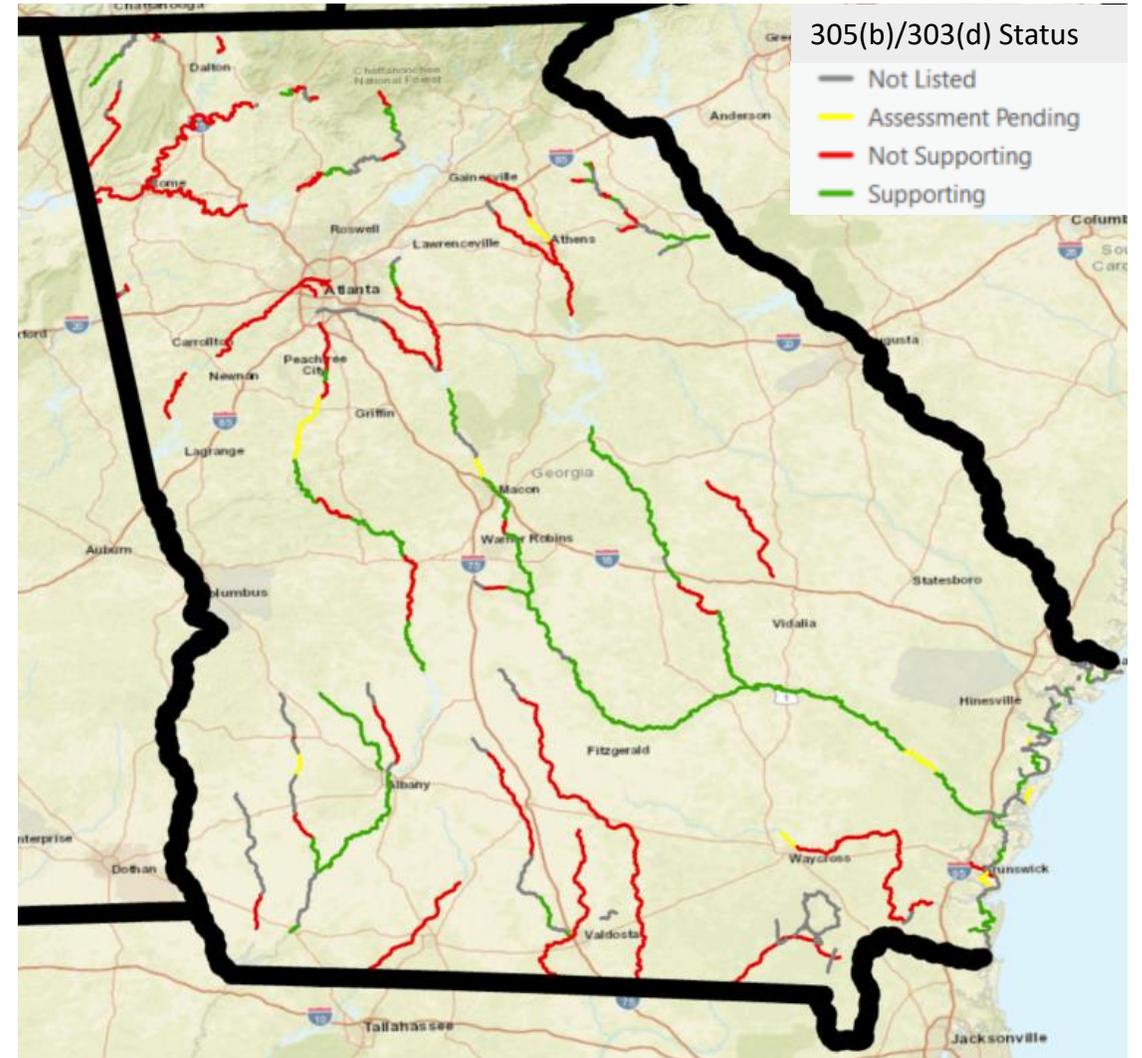
# Screening Process

During the 2019 Triennial Review comment period, the Environmental Protection Division (EPD) received nominations for designated use changes for 2,662 miles of river. We have analyzed each segment submitted based on the potential impacts to human health from the surrounding areas. Waterbody segments were removed from consideration if they were impacted by any of the following conditions\*:

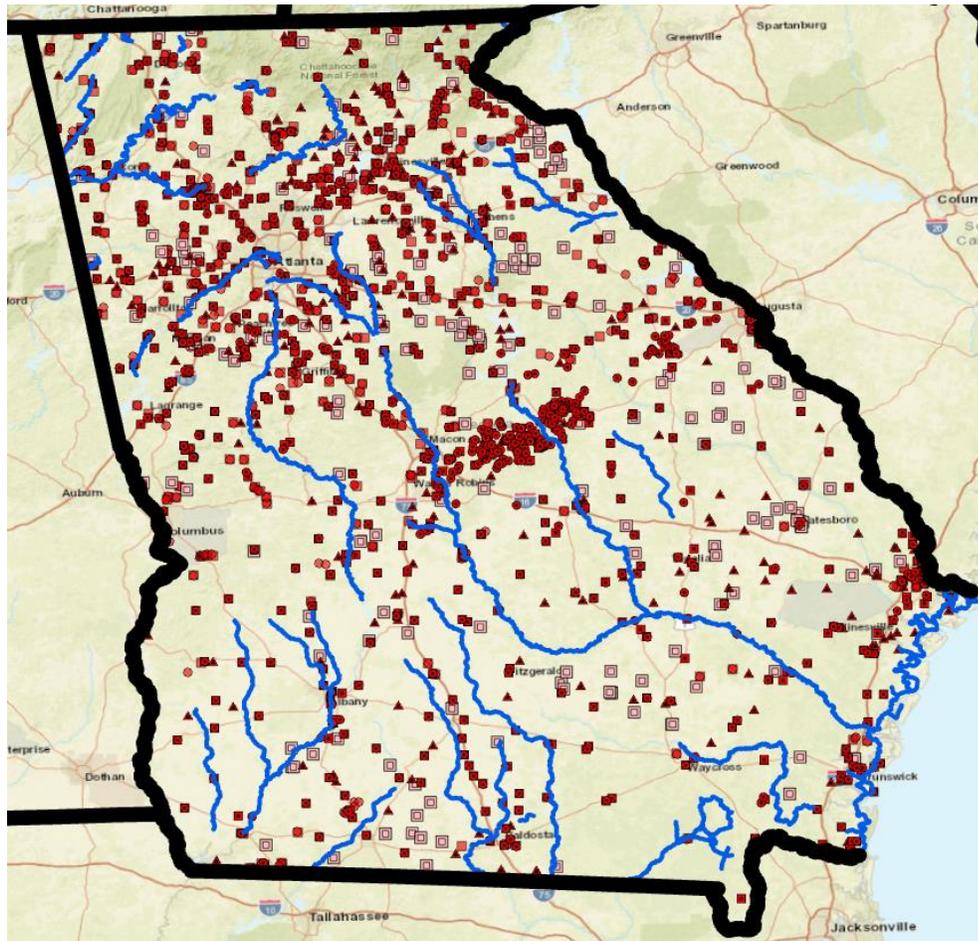
- Discharge within 10 miles of segment
- Hazardous waste sites
- Documented PFAS above health advisory levels
- Limited riparian buffer
- Close proximity to nonpoint sources, including:
  - Agricultural land, chicken houses, or livestock
  - Biosolids disposal areas
  - Urban areas
  - Landfills
  - Airports

**\*These conditions were used as screening tools for the current triennial review period** and are not rules to prevent waterbodies from ever being designated as recreation. Waterbodies that have been eliminated during this triennial review may be considered in the future. Screening processes in future triennial reviews will depend on number of waterbodies nominated and EPD's capacity to thoroughly evaluate them.

# Nominated Waterbodies – 2662 miles



# Initial evaluation based on proximity to dischargers (visual assessment) – 1280 miles

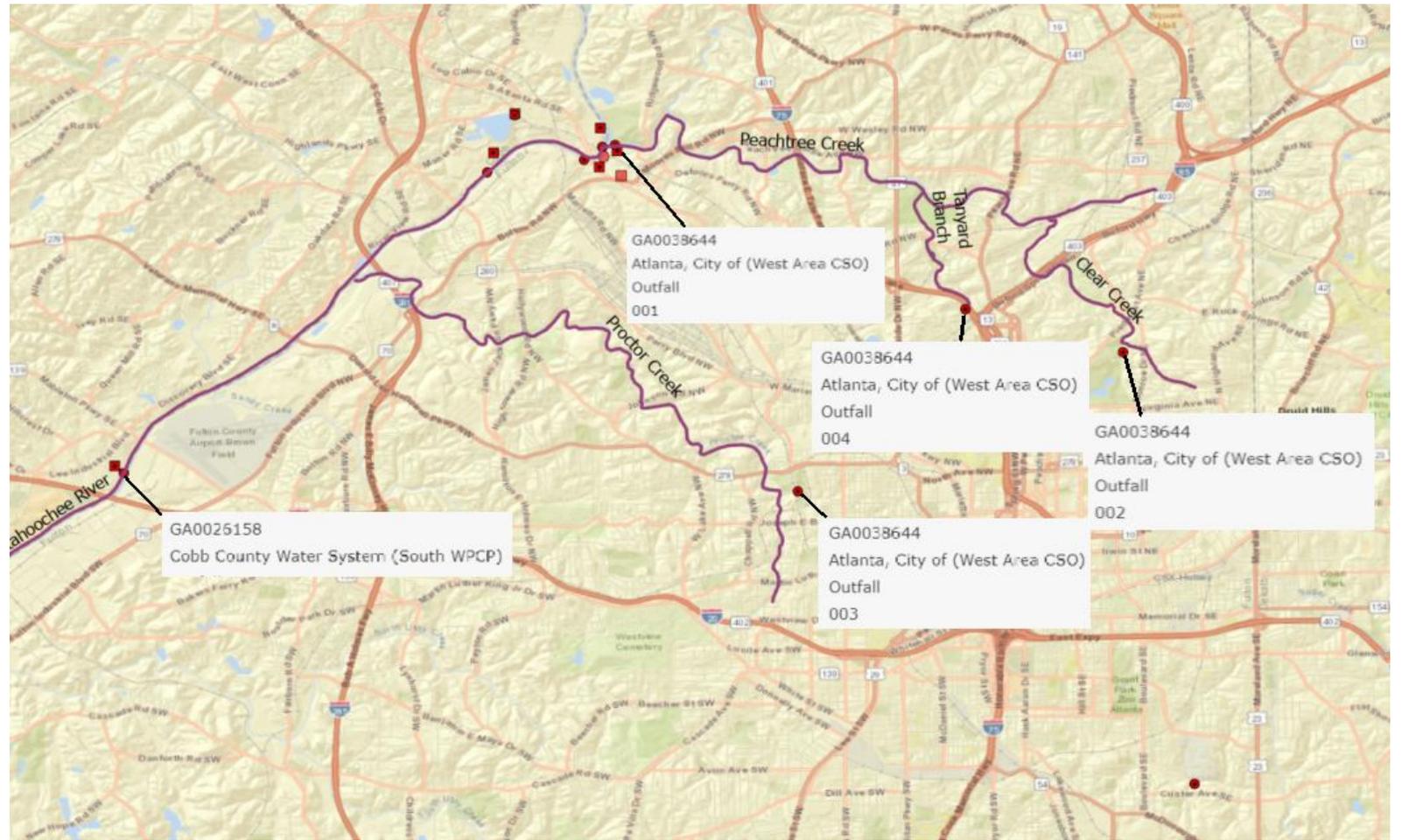
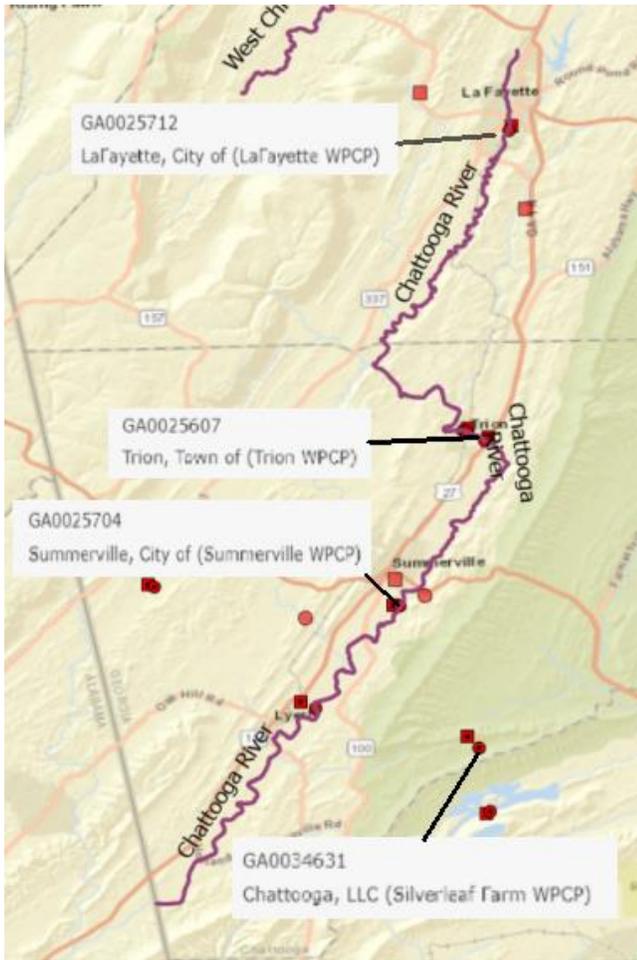


Nominated waterbodies and permitted dischargers



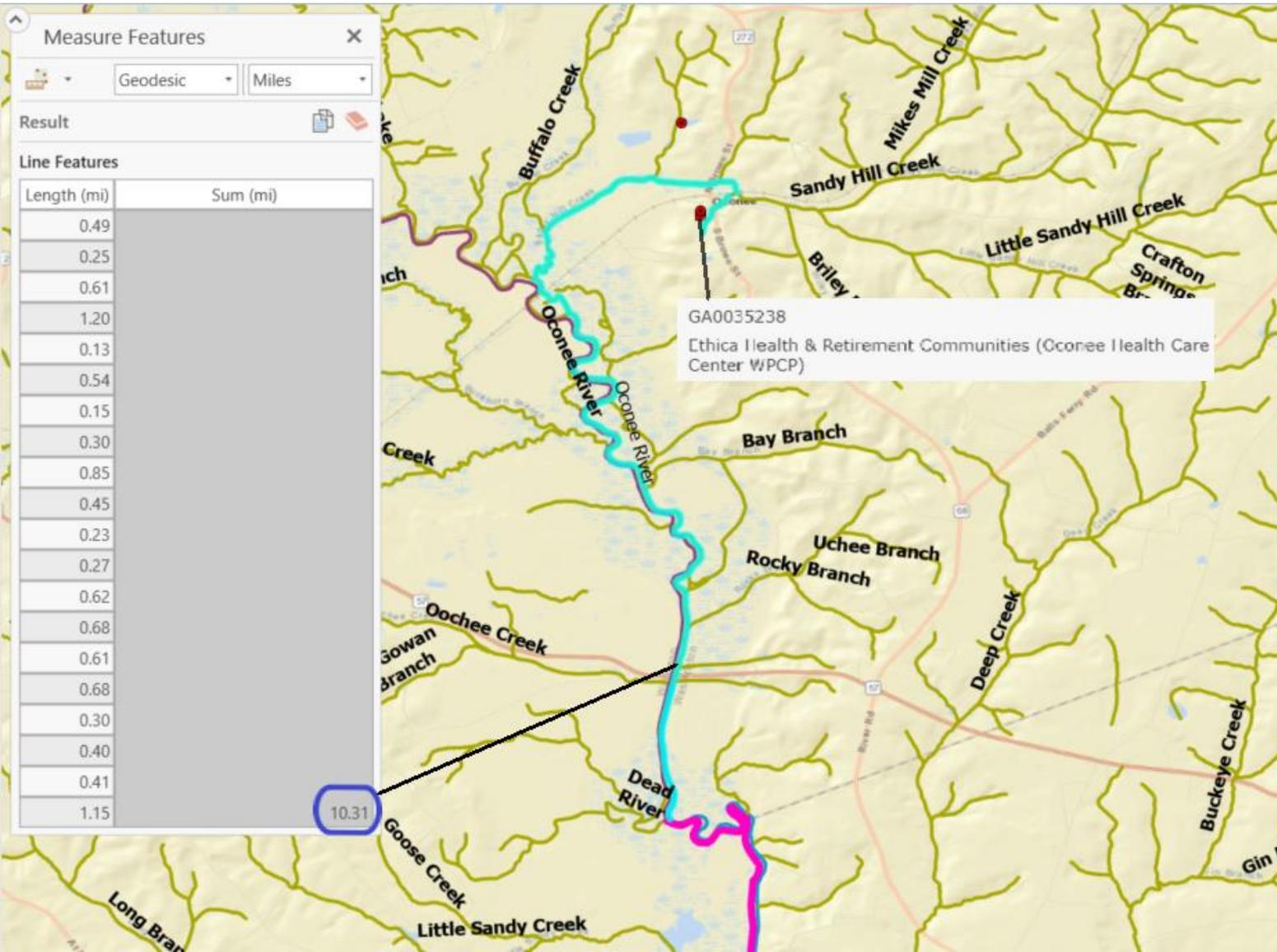
1280 river miles under consideration after visual assessment (dark blue) and 1382 miles eliminated from consideration (light blue)

# Examples of segments eliminated based on visual assessment



Chattooga River in Coosa Basin (left), Chattahoochee River and Tributaries (right). Labels on dischargers with potential human health concerns (bacteria)

# Example measurement of distance to upstream discharger – Oconee River



Light blue = discharge and 10 miles downstream

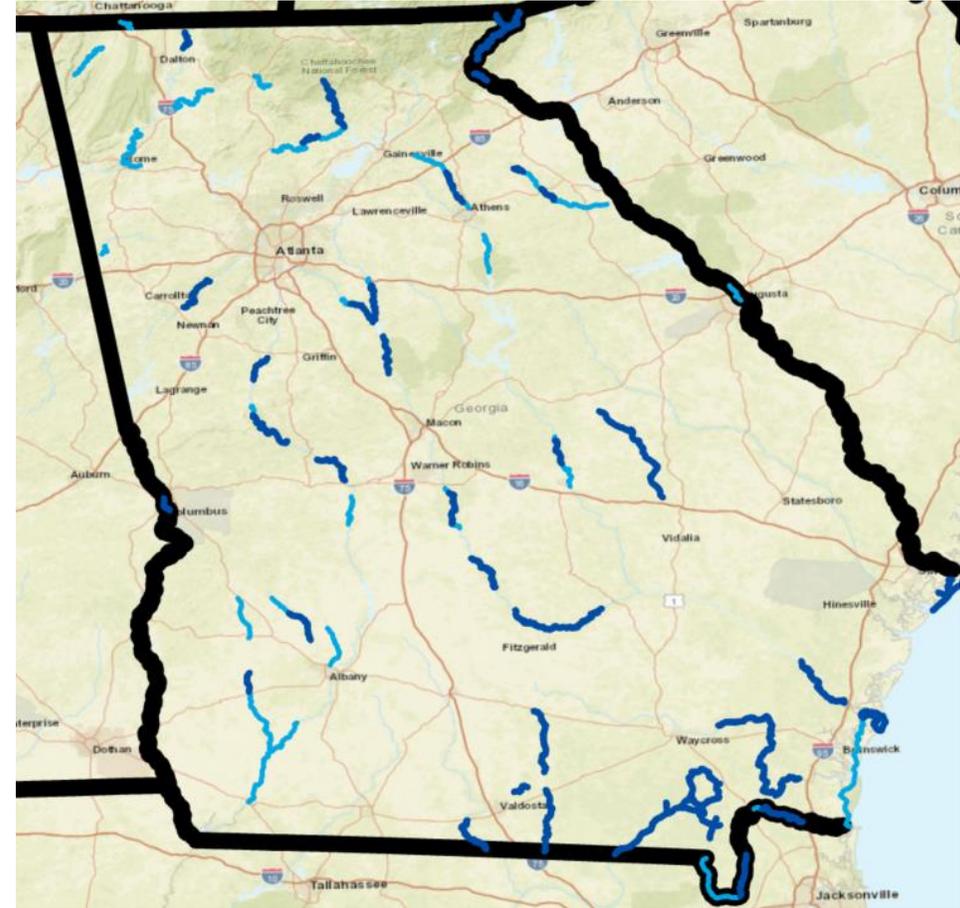
Dark blue circle = measured distance (10.31 miles)

Pink = portion of waterbody under consideration (Oconee River from Dead River to Flat Creek)

# In depth evaluation based on watershed, land use, & potential pollution sources analysis – 804 miles



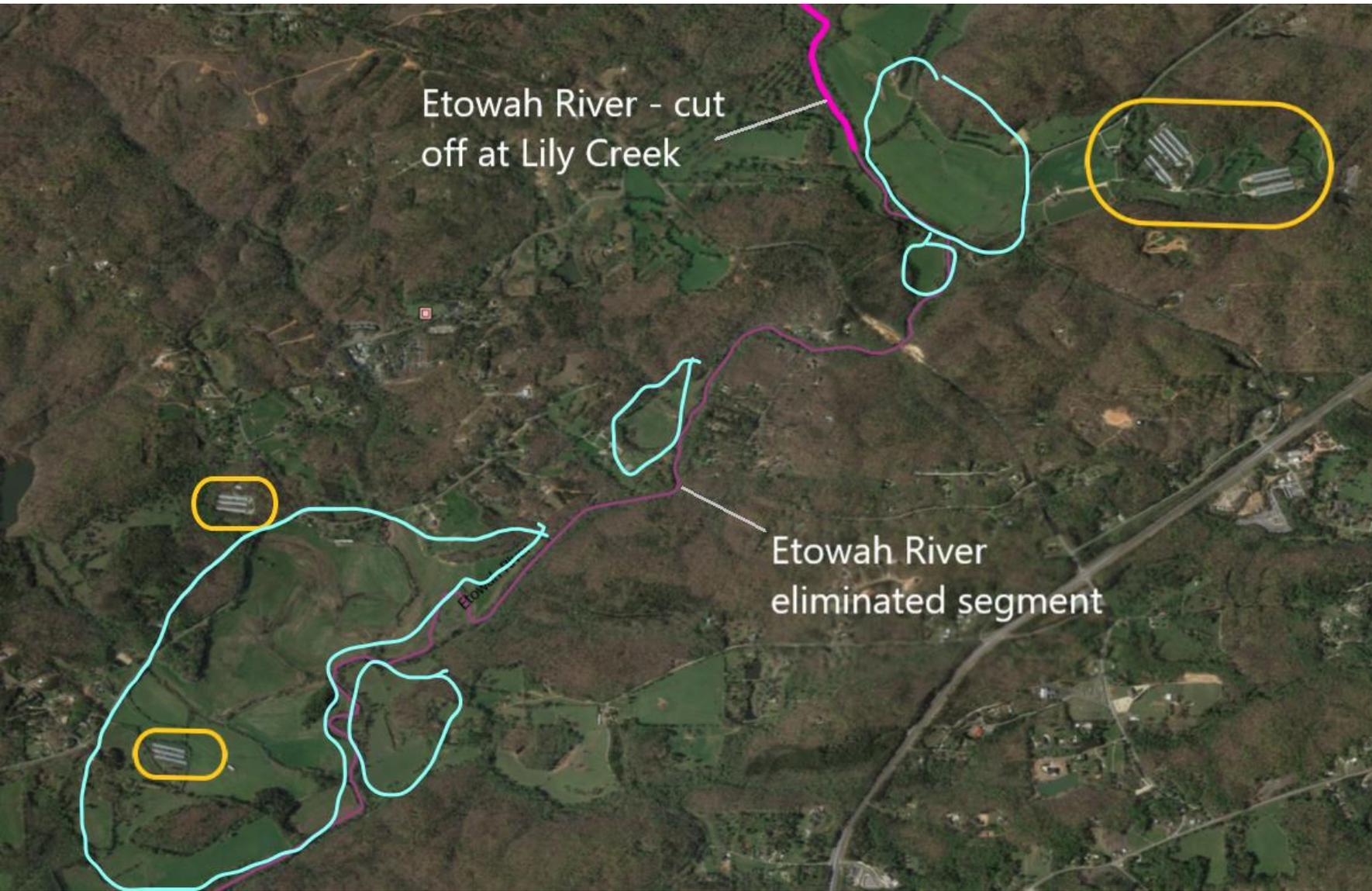
1280 river miles under consideration after visual assessment



804 river miles under consideration after in-depth analysis (dark blue) and 476 miles eliminated from consideration (light blue)



# Example of segment eliminated due to proximity to agricultural land and chicken houses – Etowah River (Lily Creek to Mill Creek)

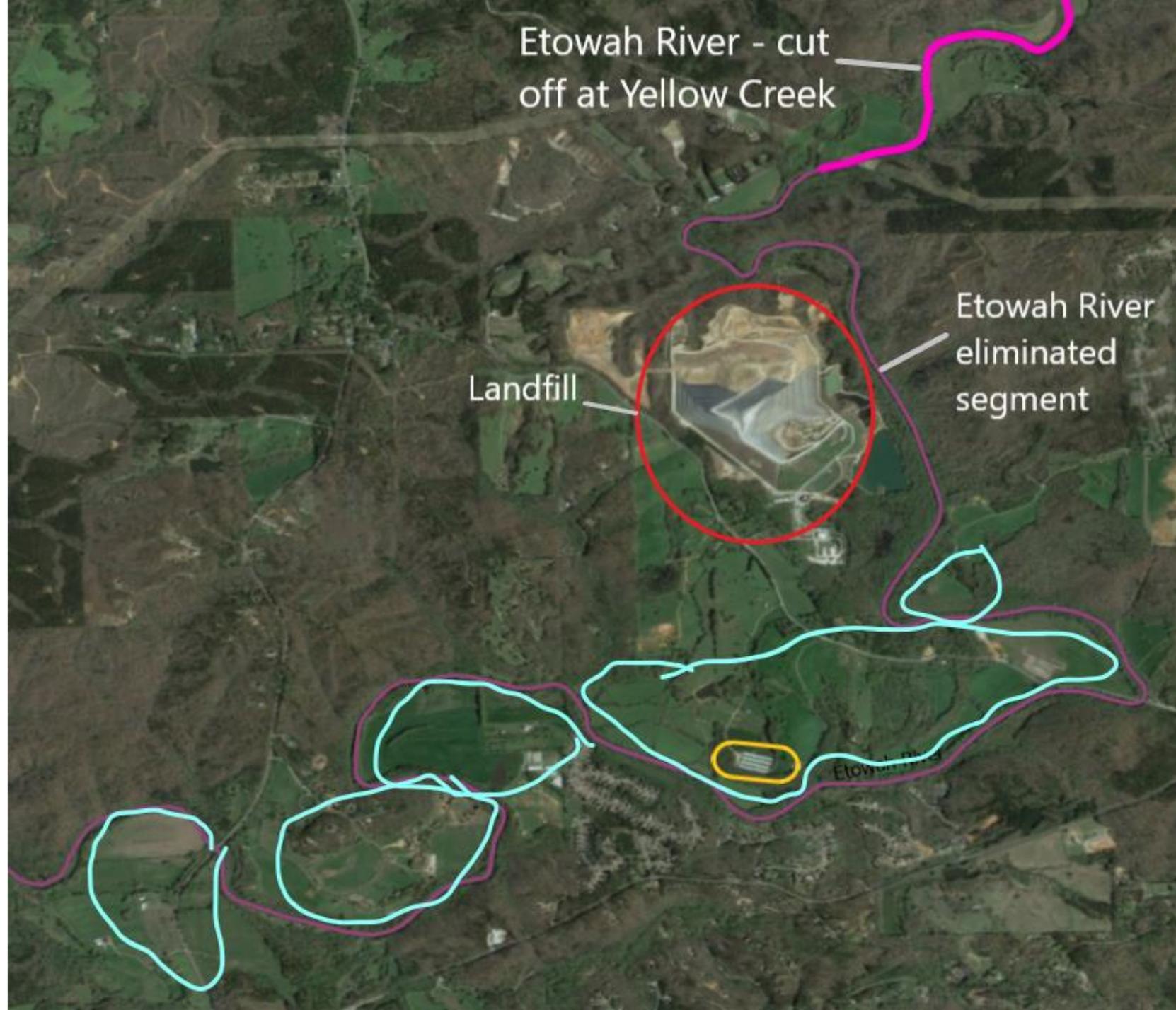


- Pink = under consideration
- Purple = eliminated waterbody
- Blue = agricultural land close to river
- Yellow = chicken houses

## Etowah River (Yellow Creek to Long Swamp Creek)

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- Pink = under consideration
- Purple = eliminated waterbody
- Blue = agricultural land close to river
- Yellow = chicken houses
- Red = landfill



# Examples of agricultural land use concerns



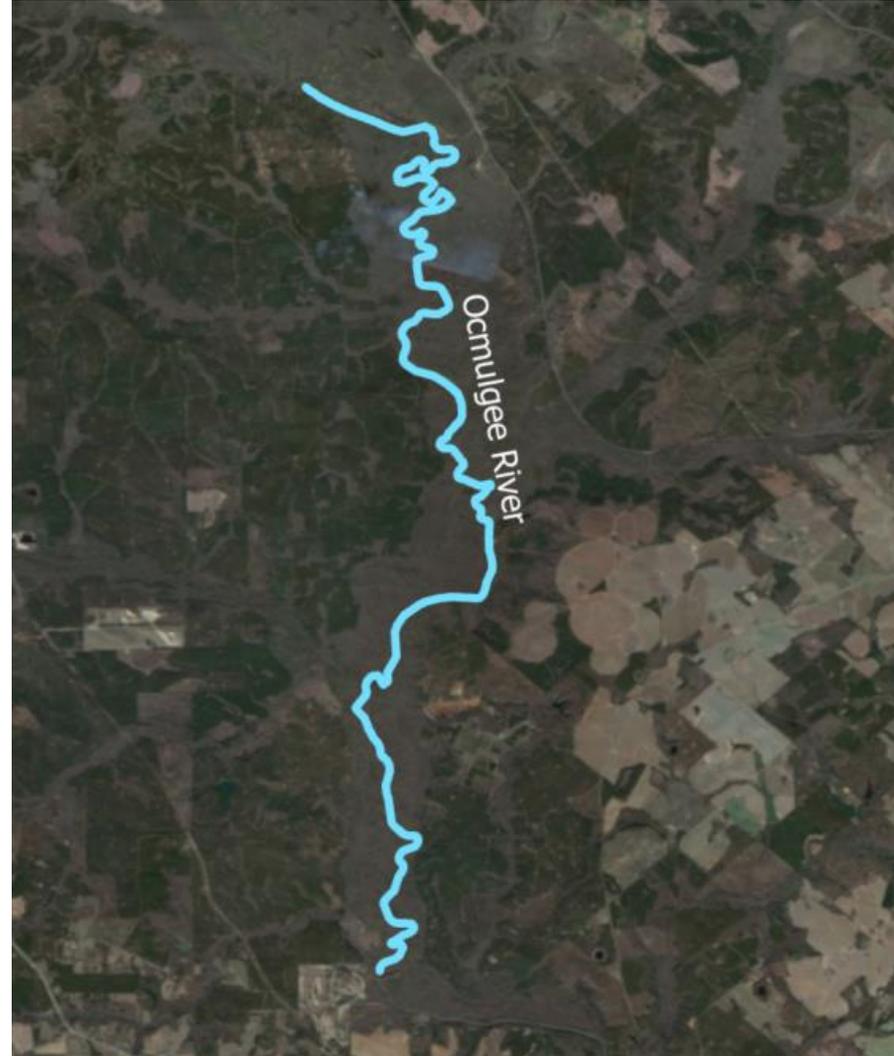
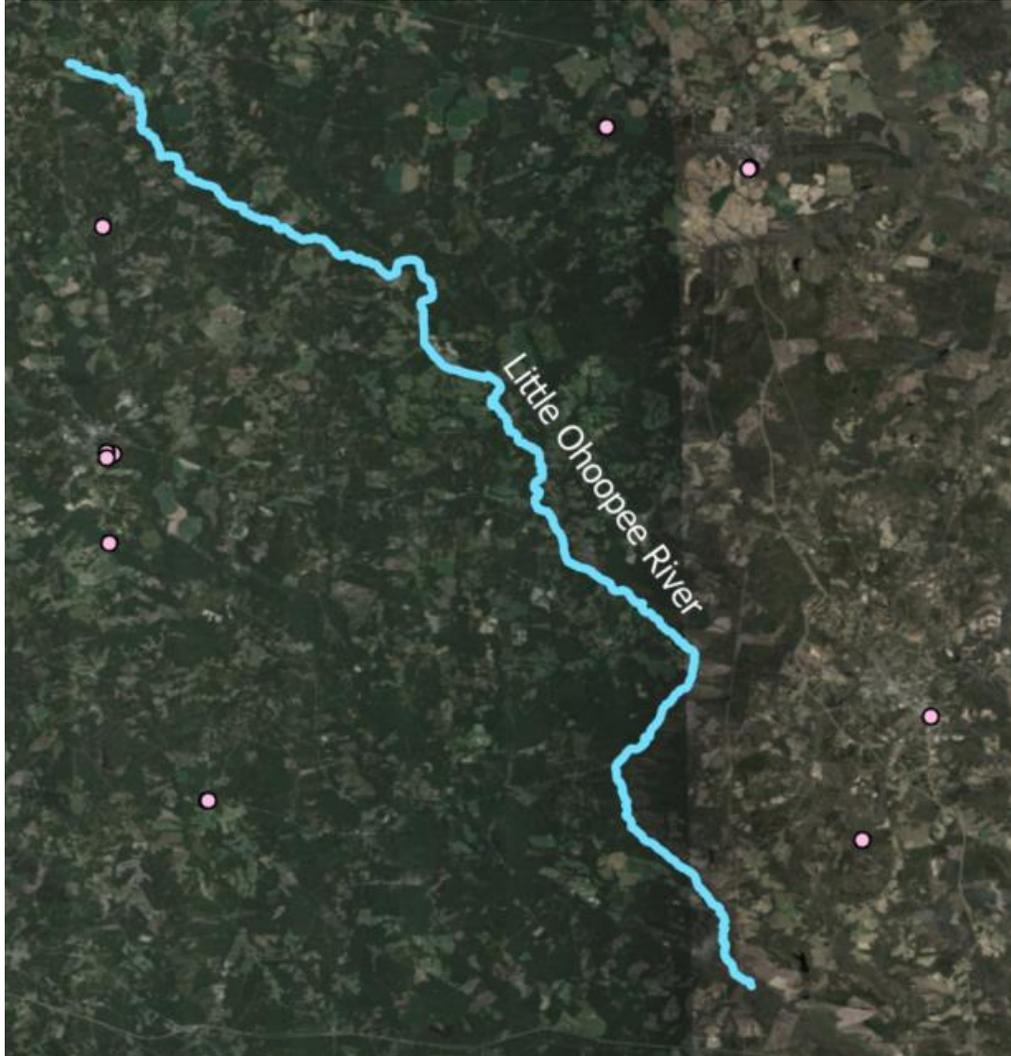
Orange = eliminated waterbodies



Blue = remain under consideration

- Waterbodies were eliminated from consideration if surrounded by high proportion of agricultural land compared to total land area
- Waterbodies remain under consideration if agricultural land accounts for a lower proportion of total land area

# Examples of Waterbodies Under Consideration:



- No dischargers within 10 miles
- No nonpoint source issues of concern
- Substantial riparian buffer

# Location Information for Recreation and Investments

- Nominating parties familiar with the specific waterbodies being nominated may have a broader knowledge base of where investment and recreation activities occur and as such have been asked to provide this information to EPD.
- EPD has received location information for 38 of the 40 waterbody segments under consideration.
  - Location information for 2 segments is still outstanding.
- Not all location information documented **primary** contact recreation.
  - Coordinate information for exact location of recreation and investments is essential to evaluating the appropriateness of a designated use change to recreation.

# What Next?

- As we continue to evaluate the location information we have received from nominators, we may be removing waterbodies from the recommendation list if a designated use change to recreation does not seem appropriate.
- EPD will be sending letters to solicit input from all dischargers within 25 miles upstream of final list of recommended waterbody segments
- EPD will be sending letters to solicit input from all counties and cities adjacent to waterbody segments.
- EPD will hold meetings with any dischargers adjacent or immediately upstream of waterbody segments under consideration.
- Stakeholders for all waterbodies remaining under consideration will be given the opportunity to provide input.
- Any outstanding nomination package items should be submitted to EPD by June 30<sup>th</sup>.



# Nomination Package Details/Deadlines

- A nomination package should contain:
  1. Name of the waterbody. ✓
  2. Waterbody length. ✓
  3. Location of the reach, shown on a map. ✓
  4. Any 305(b)/303(d) impairment(s) &/or TMDL(s) ✓
  5. Current users of the waterbody, including but not limited to dischargers, intakes, businesses, or industries. ✓
  6. Current activities that occur in or on the waterbody, broken down by season. Provide supporting data using the template provided by EPD. **(Nominators)**
  7. Investments, both completed and pending using the template provided by EPD. **(Nominators)**
  8. Letters of support and/or opposition from :
    - A. Municipalities, County Board of Commissioners, other affected governmental bodies **(EPD)**
    - B. Businesses, and other interested stakeholders who live in the watershed of the reach **(Nominators)**
  9. Letters of support and/or opposition from dischargers, domestic and industrial, and intakes **(EPD)**
- June 30<sup>th</sup> 2021 deadline for nomination package

A scenic landscape photograph featuring a sunset over a rocky terrain. The sun is low on the horizon, casting a warm, golden glow across the sky and reflecting in a small, calm pond in the middle ground. The foreground consists of rugged, brownish-grey rocks. The sky is filled with soft, wispy clouds, and the overall atmosphere is peaceful and serene.

Questions/Comments

# Comments, Contacts, and WQS Webpage

- If you would like to submit official comments for any of the materials in this presentation, please send them in an email to:  
[epd.comments@dnr.ga.gov](mailto:epd.comments@dnr.ga.gov) with the subject of 2019 Triennial Review
- Questions regarding Water Quality Standards and the Triennial Review Process can be sent to Gillian Gilbert-Wason at:  
[Gillian.Wason@dnr.ga.gov](mailto:Gillian.Wason@dnr.ga.gov)
- The EPD webpage dedicated to Water Quality Standards can be found at:  
<https://epd.georgia.gov/watershed-protection-branch/georgia-water-quality-standards>
- A map of the waterbody segments currently under consideration can be found at <https://arcg.is/1uDSeH>